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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,215	06/21/2001	Chad A. Stevens	10010428-1	8409

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

HUFFMAN, JULIAN D

ART UNIT	PAPER NUMBER
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2853

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/888,215	Applicant(s) STEVENS, CHAD A.	
	Examiner Julian D. Huffman	Art Unit 2853	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Continuation Sheet

Continuation of 10. Other: Applicant's argument regarding the 112 1st. paragraph rejection is not persuasive for reasons already indicated. Applicant's argument that Floegel et al. do not teach a charge deposited on the sheet is not persuasive. It is irrelevant how the charge appears on the sheet. The manner in which the electrostatic charge is provided on the sheet does not materially effect the claimed electrostatically charged sheet. Applicant's argument regarding the Longtin reference disregards the examiner's response in the prior office action, which is complete and proper. The burden is upon applicant to refute the statements made by the examiner and supported by evidence in the reference. As stated in the prior action, limitations directed to how the charge appears on the medium do not further limit the apparatus claims. Further, as stated previously, Longtin discloses that the charge is on the medium while it is blank and covered with a backing, since Longtin discloses that the backing protects the medium while it is being manufactured and is stuck to the medium by the electric charge (column 1, lines 22-33). These statements have not been refuted or responded to by applicant and therefore they are deemed correct and proper. Applicant's argument that the combination of Floegel and Chamberlain is improper is not persuasive. Applicant has not provided any direct evidence to show that a sheet with an inherent electrostatic charge cannot have this charge increased by rubbing with a material such as silk or wool. Applicant's statement that the materials of Chamberlain do not have a permanent charge is not persuasive. Chamberlain states in column 1, lines 24-27 that the materials inherently carry an electrostatic charge. Applicant's argument that Chamberlain in view of Greenberg does not teach a blank sheet of media is not persuasive. The sheet is blank prior to printing. Applicant's arguments regarding the combination of Rubino and Greenberg are not persuasive. The sheet of Rubino is blank since it is glued to a decorative article for mounting. Further, the sheet is a sticker print medium since it is used for its adherent properties and since it is a media which may be used in a printer. Applicant's argument regarding packaging the materials together in a kit fails to consider the combination and attacks the references individually.



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